IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Crl.MC.No. 2806 of 2007()

CRMP.7791A/2007 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

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PETITIONER: ACCUSED NO.1 AND 2:

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1. RAJU, AGED 38,
   S/O. SANKUACHARI, CHARUVILA PUTHEN VEEDU,
   KARUACODE, VILAKKUDI MURI, VILAKKUDI VILLAGE.

2. BINU, AGED 31,
   S/O. SIVADASAN, KALLUMPURATHU KIZHAKKATHIL VEEDU,
   NEAR OLD ELECTRICITY OFFICE, VILAKKUDY VILLAGE.

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE, KUNNICODE POLICE
STATION (CRIME NO.315 OF 2007), REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2806 of 2007

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Dated this the 7th day of September, 2007

O R D E R

The petitioners have come to this Court aggrieved by the onerous nature of the conditions imposed on them when regular bail was granted to them by the learned Magistrate. The petitioners face allegations under Section 379 I.P.C. They were granted bail subject to conditions. Inter alia, it was directed that the petitioners must deposit an amount of Rs.10,000/- each as cash security and their sureties must deposit their title deeds.

2. The learned counsel for the petitioners submits that this onerous conditions make it impossible for the petitioners to claim bail and release from custody. It is submitted that the conditions imposed are harsh and the petitioners are not capable of complying with the same. If the conditions are not modified, the petitioners will have to languish in prison until the case against them is finally disposed of, laments the counsel.

3. Notice was given. The learned Prosecutor does not raise any objections. I am satisfied, in the facts and circumstances of this case that the prayer of the petitioners can be accepted.

4. This Crl.M.C. is allowed. The condition that the petitioners must deposit an amount of Rs.10,000/- each as cash security is hereby deleted. The condition that the sureties must deposit their title deeds is not set aside, but it is observed that if the sureties have valid reasons for not producing the title deeds, the learned Magistrate shall consider such reasons to be urged by them in the affidavit to be filed by them and take appropriate decision in the matter.

5. Hand over the order.

(R. BASANT)
Judge

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